

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRUMP MARKS LLC,

Plaintiff,

USDS-SDNY
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11 Civ. 1741 (PKC)

-against-

D.T. DRINKS, LLC, DRINKS AMERICA HOLDINGS, LTD., DRINKS AMERICA LTD., DRINKS AMERICAS INC. and J. PATRICK KENNY,

Defendants.

MEMORANDUM AND ORDER

P. KEVIN CASTEL, District Judge:

For the reasons explained, this Court does not have subject matter jurisdiction in the above-captioned case. The action is therefore dismissed.

Jurisdiction is premised on complete diversity of citizenship. (Compl. ¶ 16.)

According to the Verified Amended Complaint (the “Complaint”) plaintiff Trump Marks LLC has two members. (Compl. ¶ 2.) Member Donald Trump is a citizen of New York, and member Trump Marks GP Corp. is organized under Delaware law and has a principal place of business in New York. (Compl. ¶¶ 3-4.) Two of the defendants – Drinks Americas Holdings, Ltd. and Drinks Americas Inc. – are also alleged to be organized under Delaware law. (Compl. ¶¶ 7, 9.)

An LLC’s citizenship is derived from the citizenship of its members. See, e.g., Handelsman v. Bedford Village Assocs. Ltd. P’ship, 213 F.3d 48, 52 (2d Cir. 2000); Strother v. Harte, 171 F. Supp. 2d 203, 205 (S.D.N.Y. 2001) (“For purposes of diversity jurisdiction, a limited liability company has the citizenship of each of its members.”). Separately, “[a] business organized as a corporation, for diversity jurisdiction purposes, is ‘deemed to be a citizen of any State by which it has been incorporated’ and, since 1958, also ‘of the State where

it has its principal place of business.” Wachovia Bank v. Schmidt, 546 U.S. 303, 306 (2006) (quoting 28 U.S.C. § 1332(c)(1)).

The plaintiff LLC is a citizen of New York and Delaware. Two of the defendants are citizens of Delaware. “In a case with multiple plaintiffs and multiple defendants, the presence in the action of a single plaintiff from the same State as a single defendant deprives the district court of original diversity jurisdiction over the entire action.”

Exxon Mobil Corp. v. Allapattah Serv., Inc., 545 U.S. 546, 552 (2005).

Because the Court does not have subject matter jurisdiction over this action, the Complaint is dismissed, and the Clerk is directed to close the case.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
July 15, 2011